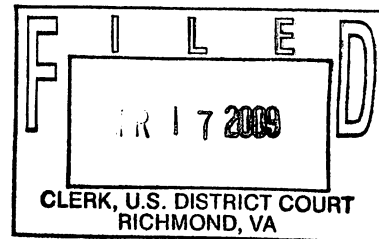


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



VINCENT EUGENE WILLIAMS,

Plaintiff,

v.

Civil Action No. **3:08CV803**

DR. LEE, *et al.*,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on December 23, 2008, the Court conditionally docketed Plaintiff's action. The Clerk sent a copy of the Memorandum Order to Plaintiff. On January 7, 2009, the December 23, 2008 Memorandum Order was returned to the Court by the United States Postal Service. The envelope was marked, "RETURN TO SENDER" and "NO LONGER IN FACILITY." Therefore, by Memorandum Opinion and Order entered on January 16, 2009, the Court dismissed the action without prejudice. On January 23, 2009, the Court received from Plaintiff a motion to reconsider wherein he indicates that he was temporarily transferred to a different facility without prior notice and requests that the Court reinstate the present action. By Memorandum Opinion and Order entered on February 10, 2009, the Court granted Plaintiff's motion to reconsider and vacated the January 16, 2009 Memorandum Opinion and Order.

On March 3, 2009, the February 10, 2009 Memorandum Opinion and Order was returned to the Court by the United States Postal Service. The envelope was marked, "NOT HERE" and "RETURN TO SENDER." Plaintiff's repeated failure to keep the Court apprised of his current address indicates his lack of interest in diligently prosecuting the present action. *See Fed. R.*

Civ. P. 41(b). Accordingly, by Memorandum Opinion and Order entered on March 17, 2009, the action was dismissed without prejudice.

On March 23, 2009, the Court received another request from Plaintiff to set aside the dismissal of his case. Plaintiff explains that he was temporarily transferred to another jail and thus did not receive the February 10, 2009 Memorandum Opinion and Order and accompanying document. It is not too great a burden for Plaintiff to keep the Court apprised of his current address. It is a simple matter for Plaintiff to inform this Court that he has been moved, even temporarily. Moreover, since the action was dismissed without prejudice, there is no manifest injustice in requiring that Plaintiff refile present action. *See* Fed. R. Civ. P. 59(e). Plaintiff's motion for reconsideration of the March 17, 2009 Memorandum Opinion and Order (Docket No. 16) will be DENIED.

An appropriate Order shall issue.

Date: **APR 17 2009**
Richmond, Virginia

<p style="text-align: center;">_____ /s/ Richard L. Williams United States District Judge</p>
